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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,782

09/23/2005

Pieter Hildegardus Berben

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48227

7590

02/11/2009

BASF CATALYSTS LLC

100 CAMPUS DRIVE

FLORHAM PARK, NJ 07932

EXAMINER

HAILEY, PATRICIA L

ART UNIT

PAPER NUMBER

1793

NOTIFICATION DATE

DELIVERY MODE

02/11/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Supplemental  
Notice of Allowability**

Application No.

10/531,782

Examiner

PATRICIA L. HAILEY

Applicant(s)

BERBEN ET AL.

Art Unit

1793

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' remarks and amendments, filed on December 17, 2008.
2. ☒ The allowed claim(s) is/are 34-39 and 43-54.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

/PATRICIA L. HAILEY/  
Primary Examiner, Art Unit 1793  
February 4, 2009

The purpose of this Supplemental Action is to include claim 54, which was inadvertently omitted by the Examiner. The Examiner apologizes for the oversight.

Applicants' remarks and amendments, filed on December 17, 2008, have been carefully considered. Non-elected claims 27-33 and 40-42 have been canceled; new claims 43-54 have been added.

Claims 34-39 and 43-54 are now pending in this application.

Support for the amendment to claim 1 can be found in claim 36 as originally filed, and in the Specification at page 3, lines 25-27,

Support for new claims 43-53 can be found in the claims as originally filed, and in the Specification at page 7, lines 8-21.

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Applicants' Priority Document was filed on April 18, 2005.

### ***Withdrawn Rejections***

The 103(a) rejection of claims 34, 35, and 37-39 as being unpatentable over European Patent No. 1 101 530 (Applicants' submitted art) stated in the previous Office Action has been withdrawn in view of Applicants' amendments.

Art Unit: 1793

The European Patent, while teaching a catalyst comprising nickel, silica, alumina, and magnesium, does not teach or suggest the weight percentages of these components corresponding to the claimed atomic ratios, particularly the claimed atomic ratio of nickel to silicon. The percentage ranges for nickel and silica disclosed in this reference correspond to atomic ratios that are not greater than 6.5.

***Allowable Subject Matter***

2. Claims 34-39 and 43-54 are allowed.

***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest a catalyst comprising nickel, silica, alumina, and magnesium, wherein the nickel to silicon atomic ratio ranges from 6.5 to 30, the nickel to aluminum atomic ratio ranges from 9 to 40, and the nickel to magnesium atomic ratio ranges from 5 to 75.

The prior art, while teaching catalysts comprising these components, does not teach or suggest the claimed atomic ratios in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICIA L. HAILEY whose telephone number is (571)272-1369. The examiner can normally be reached on Mondays-Fridays, from 7:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PATRICIA L. HAILEY/  
Primary Examiner, Art Unit 1793  
February 4, 2009